

**CITY COUNCIL MEETING
CITY OF WATERTOWN
September 7, 2010
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
ROBERT J. SLYE, CITY ATTORNEY**

City Staff Present: Ken Mix, Kurt Hauk, Gary Pilon

The City Manager presented the following reports to the Council:

- 1 - Approving "The Process of Site Plan and Subdivision Review" Workshop on September 22, 2010 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials' Training Requirement
- 2- Approving the 19th Annual Local Government Conference at SUNY Potsdam on October 12, 2010, as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials' Training Requirement
- 3 - Authorizing Budget Modification Request No. 3 for the FY 2007 Small Cities Community Development Block Grant
- 4 - Accepting Bid for Fire Hydrants and Pipe and Accessories for Water Main Installation at 1200 Block of Columbia Street and 1200 Block of Madison Avenue, Ferguson Waterworks
- 5 - Approving Amendments to the City of Watertown Health Insurance Plan Design
- 6 - Approving Option Agreement Extension – City Center Industrial Park
- 7 - Abandoning a Portion of Massey Street North Adjacent to 229 Massey Street North
- 8 - Scheduling a Public Hearing in Connection With the Exercise of Eminent Domain to Acquire Sewer Facilities and Street Access from Stateway Plaza Shopping Center, Reg.
- 9 - Request by City Council of the City of Watertown For the Enactment of a Special Law
- 10 - Finding that Changing the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, from Light Industrial to Residence B Will Not Have a Significant Impact on the Environment
- 11 - Finding That Amending the Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, To Allow Beer Production in Light Industrial Districts Will Not Have a Significant Impact on the Environment
- 12 - Approving the Zoning Amendment Request Submitted by Brian J. Drake of GYMO, P.C.

on behalf of Purcell Construction Corp. to Amend Planned Development District # 16 to Allow Two Enriched Living Buildings and Five Two-Unit Dwellings and Eliminate Previously Approved Assisted Living Facility on Parcels Number 14-49-101, 14-49-101.005 and 14-49-101.101

- 13 - Amending City Municipal Code Chapter 293, Vehicles and Traffic
- 14 - 7:30 p.m. Public Hearing - Ordinance Approving the Zone Change Request Submitted by John and Amy MacGregor, to Change the Approved Zoning Classification of 561-579 Burdick Street, Parcel Numbers 1-04-114 through 1-04-120, from Light Industry to Residence B
- 15 - 7:30 p.m. Public Hearing - Amending Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, Pertaining to Beer and Wine Production
- 16- Approving Geothermal Professional Services Agreement, Sack and Associates PLLC
- 17 - Noise Control Legislation
- 18 - Sales Tax Revenue – July 2010
- 19 - Executive Session -Discuss the employment history of particular individuals and Discuss proposed, pending or current litigation.

COMPLETED REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 16, 2010 was dispensed and accepted as written by motion of Council Member Smith, seconded by Council Member Butler and carried with all voting in favor thereof.

Mayor Graham presented Wayne Zimmer with a City proclamation and recognized him for his many years of attending Council meetings and his interest in City government. Mr. Zimmer will be moving to Tennessee to be with his family.

COMMUNICATIONS

There was no communication.

PRIVILEGE OF THE FLOOR

Wayne Zimmer, Katherine Street, addressed the chair asking everyone to keep Mrs. Zimmer in their prayers. He also asked why more parking spaces couldn't be put in the area near Avon Shoes that used to have handicap parking markings that have since been blacktopped over.

Steven Smith, 217 Keyes Ave., addressed the chair concerning the loud music coming from vehicles as well as the drug problem in the City. He commented that people who wear hoodies have no peripheral vision while driving.

PUBLIC HEARINGS

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING ON APPROVING THE REQUEST TO CHANGE THE APPROVED ZONING CLASSIFICATION OF 561-579 BURDICK STREET, PARCEL NUMBERS 1-04-114 THROUGH 1-04-120, FROM LIGHT INDUSTRY TO RESIDENCE B.

MAYOR GRAHAM DECLARED THE HEARING OPEN

James Heary, attorney representing the Robert Cleaves Estate, addressed the chair explaining that this property is adjacent to the Cleaves property. He advised that it is one of the few large parcels (15 acres) in the City that has rail service. He remarked that if any new construction were to occur on the property, it would require a 5' to 15' setback and also advised that there was a retention pond on the property which is quite close to the line. He asked that Council consider all of these factors this evening as they could probably accommodate a 5' setback only because of the location of the pond.

John MacGregor, owner of 561-579 Burdick Street, addressed the chair explaining that the pond sets back 8' and he has no problem with the pond being there at all. He merely wants to put an addition on his home.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:34 P.M.

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING ON AMENDING ZONING ORDINANCE CHAPTER 310 OF THE CODE OF THE CITY OF WATERTOWN, PERTAINING TO BEER AND WINE PRODUCTION.

MAYOR GRAHAM DECLARED THE HEARING OPEN

NO ONE SPOKE.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

R E S O L U T I O N S

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the New York State Chapter 662 of the Laws of 2006 which took effect on January 1, 2007 requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet the training requirement, and

WHEREAS the Fort Drum Regional Liaison Organization, Jefferson County Department of Planning, New York State Tug Hill Commission and the Center for Community Studies at JCC are cosponsoring “The Process of Site Plan and Subdivision Review” workshop on September 22, 2010 from 6:30 to 8:30 p.m. at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that “The Process of Site Plan and Subdivision Review” workshop is approved to provide credit toward meeting the New York State municipal planning and zoning officials’ training requirement

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the New York State Chapter 662 of the Laws of 2006 which took effect on January 1, 2007 requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet the training requirement, and

WHEREAS SUNY Potsdam is sponsoring their 19th Annual Local Government Conference on October 12, 2010,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the 19th Annual Local Government Conference at SUNY Potsdam is approved to provide credit toward meeting the New York State municipal planning and zoning officials’ training requirement.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the Grant Agreement with the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the City of Watertown's FY 2007 Small Cities Community Development Block Grant contains budget amounts for each activity, and

WHEREAS a budget modification must be approved by the Office of Community Renewal if the budget amounts are to be altered, and

WHEREAS to allow the shifting of additional funds from the Commercial Microenterprise Loan activity to Franklin Street Sidewalk Reconstruction as shown on Form 7-1, which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the proposed Budget Modification No. 3 for the FY 2007 Small Cities Community Development Block Grant, and

BE IT FURTHER RESOLVED that the Mayor Jeffrey E. Graham is hereby authorized and directed to sign the Budget Modification form on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City Purchasing Department has advertised and received sealed bids for fire hydrants and 875 feet of ductile iron water pipe and related accessories for water main installation at 1200 block of Columbia Street and 1200 block of Madison Avenue per City specifications, and

WHEREAS plan sets were issued to six (6) prospective bidders, with five (5) bids being received and publicly opened and read in the City Purchasing Department on Monday, August 23, 2010 at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received with Water Superintendent Gary E. Pilon, and it is their recommendation to accept of the bid submitted by Ferguson Waterworks, 800 Starbuck Avenue, Suite B102, Watertown, New York, in the amount of \$6,960.00 for fire hydrants, \$32,239.00 for pipe, valves and fittings, for a total bid amount of \$39,199.00 as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby accepts the bid in the total amount of \$39,199.00 submitted by Ferguson Waterworks, 800 Starbuck Avenue, Suite B102, Watertown, New York, for fire hydrants and

pipe and accessories for Water Main Installation at 1200 Block of Columbia Street and 1200 Block of Madison Avenue per City specifications.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown provides health insurance for its employees under a self-funded health insurance plan, and

WHEREAS the plan design was negotiated between the City of Watertown and its three Unions at the time the City became self-insured, and

WHEREAS as part of the negotiations the City established a Health Insurance Advisory Committee whose charge is to monitor the health insurance plan and its finances, and as part of those negotiations also established a process for proposing changes to the City's plan structure, and

WHEREAS the City's Health Insurance Advisory Committee has followed the required steps, and made a proposal to the City Council for consideration,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the changes detailed in the Proposed Plan Design Changes document, which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that these proposed design changes will be effective for services provided on or after January 1, 2011.

SECONDED BY COUNCIL MEMBER TERESA M. MACALUSO

Commenting on the foregoing resolution, Council Member Smith asked if there was a way that these benefits could have a 2 year sunset clause. That way, staff could review the actual costs incurred over the 2 year period.

Attorney Slye advised that if Council followed the procedures, this would have to go back to the advisory committee and the process would have to start all over again.

Mrs. Corriveau also commented that we are in a whole new world with the Health Care Recovery Act. She advised that research would have to be done to see if a sunset clause could be implemented.

Council Member Smith remarked that if the City is passing a resolution which includes the industry standards, they should also pass the industry standards for premiums and co-pays. He remarked that these are benefits and should be negotiated.

Mayor Graham responded that union contracts are separate from the health plan.

Council Member Butler remarked that he is open to the idea of a sunset clause. He also suggested that the date to begin should be July 1, 2010 not January 1, 2010 since these fees were not in the current budget.

Mayor Graham responded that the City adds and subtracts costs throughout the year. He remarked that the costs are not that substantial and he questioned the sustainability of putting a sunset clause in the resolution.

Attorney Slye remarked that he has to research if Council can add the sunset clause without it going back to the advisory committee.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO TABLE THE FOREGOING RESOLUTION. MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM VOTING NAY

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown is owner of vacant land known as City Center Industrial Park, and

WHEREAS the City of Watertown has no public purpose for said land, and

WHEREAS the City Council approved an Option Agreement with the Watertown Local Development Corporation for the Industrial Park on July 7, 2003, and

WHEREAS said Option Agreement has expired, and

WHEREAS the City Council desires to extend said Option Agreement, and

WHEREAS in accordance with Section 1411(d) of the New York Not-For-Profit Corporation Law, a public hearing was held on September 20, 2010, at 7:30 p.m.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Option Agreement Extension between the City of Watertown and the Watertown Local Development Corporation, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, SEPTEMBER 20, 2010 AT 7:30 P.M. MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS a portion of Massey Street North as described in Exhibit A is outside of the sidewalk and is not needed for street purposes, and

WHEREAS the City of Watertown has no plans to widen the use of Massey Street North to include the described land, and

WHEREAS a public hearing concerning the abandoning of the described portion of Massey Street North was held on September 20, 2010 after due public notice pursuant to General City Law Section 29,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the portion of Massey Street North described in Exhibit A is hereby abandoned, discontinued and closed as a public street, and

BE IT FURTHER RESOLVED that the City Manager Mary M. Corriveau is hereby directed to cause the removal of said portion of Massey Street North from all City maps, "Official" and otherwise, including the Tax Assessment maps.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, SEPTEMBER 20, 2010 AT 7:30 P.M. MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown has previously taken title, in fee, to a portion of Gaffney Drive and to a pumping station and sewer lines immediately adjacent to Gaffney Drive for the purposes of promoting commercial development in that area of the City and to permit the City's paving of a portion of Gaffney Drive which, under private ownership, had deteriorated, and

WHEREAS the City Council believes that it is in the best interests of the citizens of the City to continue to promote commercial development of the Gaffney Drive area by making public all private sewer mains in the area which, in the discretion of the City, can then be expanded and/or improved to accommodate development, and

WHEREAS in addition to potential upgrades of sewer service in the area, the City Council believes that it should consider whether it should obtain title to a portion of lands located at the intersection of Gaffney Drive Extension and Commerce Park Drive to ensure continued public access and appropriate maintenance of the area for vehicular traffic, and

WHEREAS the New York Eminent Domain Procedure Law is the exclusive procedure by which real and/or personal property may be acquired to exercise the power of eminent domain in New York State, and

WHEREAS Article 2 of the Eminent Domain Procedure Law requires that a condemnor, prior to acquisition, and in order to inform the public and to review the public use to be served by a proposed public project and its impact on the environment and residents of the locality where such project will be constructed, must conduct a public hearing at a location reasonably proximate to the property which may be acquired, and

WHEREAS the City Council of the City of Watertown, on behalf of the City of Watertown, as condemnor, contemplates the acquisition of a 25 foot- and 30 foot-wide sanitary sewer easement to be located at the northerly end of the Stateway Plaza Shopping Center, together with the acquisition of title to existing 8 inch PVC pipe, manholes, and other sanitary sewer facilities located within the easement, all of which is currently owned by Stateway Plaza Shopping Center, Reg., and

WHEREAS the City Council further contemplates the acquisition of a piece of property in fee to be dedicated as a right of way for a City street in an area commonly called Gaffney Drive Extension, which area is currently owned by Stateway Plaza Shopping Center, Reg.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown shall hold a public hearing in the City Council Chambers, Watertown City Hall, Third Floor, 245 Washington Street, Watertown, New York, on October 4, 2010, at 7:30 p.m., for purposes of informing the public concerning, and reviewing the public use to be served by, the proposed acquisition of the 30 foot and 25 foot sewer easement and the acquisition of the piping, manholes, and existing sewer system located within the easement; and further acquisition of fee title to real property located at the intersection of Gaffney Drive and Commerce Park Drive, all of which real and personal property is currently owned by Stateway Plaza Shopping Center, Reg., and

BE IT FURTHER RESOLVED that the City Clerk of the City of Watertown shall cause a notice of the public hearing to be published as required by Section 202 of the New York Eminent Domain Procedure Law, and shall further cause a copy of said notice of public hearing to be mailed to the condemnee.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED
WITH ALL VOTING YEA**

Asking questions posed by Council on the foregoing resolution, Attorney Slye explained that following the public hearing, there will have to be a resolution adopted within 3 months and then the City has within 2 years to commence eminent domain proceedings.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City Clerk serves as the registrar for the City of Watertown and is empowered by State Law to issue certified copies of birth, death and marriage records, and

WHEREAS §4173 (3) of the Public Health Law defines the amount that the City can charge for providing certified copies of these documents, and

WHEREAS City Clerk Donna M. Dutton is recommending that the City Council of the City of Watertown request that a Law be enacted by the State of New York that will allow the City to charge an amount up to the amount charged by the Commissioner of Public Health, and that the fee to be charged by the City of Watertown will be set by the City Council, and

WHEREAS the City of Watertown continues to face increasing costs associated with providing these services to residents and non-residents of the City of Watertown, and

WHEREAS the City Council of the City of Watertown desires to obtain State Legislative approval for the allow the City to charge an amount up to the amount charged by the Commissioner of Public Health, and that the fee to be charged by the City of Watertown will be set by the City Council,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes the City Manager, Mary M. Corriveau, to seek the approval of the New York State Legislature to allow the City to charge an amount up to the amount charged by the Commissioner of Public Health, and that the fee to be charged by the City of Watertown will be set by the City Council, and authorizes the City Manager and City Clerk to execute a Home Rule Request for the same.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED
WITH ALL VOTING YEA**

INTRODUCED BY COUNCIL MEMBER TERESA M. MACALUSO

WHEREAS the City Council of the City of Watertown, New York, has before it an ordinance for a zone change for parcels located at 561-579 Burdick Street from Light Industrial to Residence B, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Quality Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed ordinance would constitute such an “Action,” and

WHEREAS the City Council has determined that the proposed ordinance is an “Unlisted Action” as that term is defined by 6NYCRR Section 617.2(ak), and

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2(s), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part I of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and in comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the zone change will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute Part 3 of the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This resolution shall take effect immediately.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Attorney Slye explained that the setback discussed in the public hearing was technically a buffer zone. He said that if there were new construction on the Cleaves property, the buffer zone would have to be at least 5'. The pond is about 8' so it would be within the requirements.

Council Member Smith asked if the existing pond would be grandfathered in as a non-conforming use.

Attorney Slye remarked that the questions had pertained to new construction, not existing.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City Council of the City of Watertown, New York, has before it an Ordinance to amend the Zoning Ordinance, Chapter 310 of the Code of the City of Watertown, to allow beer production in Light Industrial Districts, and

WHEREAS the City Council must evaluate all proposed actions in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed Ordinance would constitute such an “action,” and

WHEREAS the City Council has determined that the proposed Ordinance is a “Type I Action” as that term is defined in 6NYCRR Section 617.2, and

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2(s), and

WHEREAS to aid the City Council in its determination as to whether the proposed Zoning Ordinance Amendment will have a significant effect on the environment, Part I of a Full Environmental Assessment Form has been prepared, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Full Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the Amendment to the Zoning Ordinance will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute Part III of the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This resolution shall effect immediately.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO TAKE THE RESOLUTION “APPROVING GEOTHERMAL PROFESSIONAL SERVICES AGREEMENT, SACK AND ASSOCIATES PLLC FROM THE TABLE. MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF. (Introduced on August 16, 2010; tabled; appears in its entirety on page 170 of the 2010 Minutes Book).

Commenting on the foregoing resolution, Council Member Macaluso questioned the effectiveness of geothermal and commented that it is not always the best system. She asked if there were any grants available and remarked that she has concerns about this.

Council Member Smith explained that the grants are usually after the fact. He also commented that geothermal is one of the most efficient systems for heating and air conditioning.

Council Member Butler asked how the contract with National Grid would be impacted if we had a geothermal system.

Mrs. Corriveau stated that it would have no impact on it.

Council Member Butler commented that it is a lot of money to spend. However, at the same time, the long term benefits could save the City money.

Mrs. Corriveau advised taking a look at geothermal as it could be a good long term alternative.

Mr. Hauk explained that the company designs both types of systems and would tell the City which would work the best for us.

Council Member Macaluso asked if any one inquired about the costs of the geothermal systems that are current being used in the area.

Council Member Smith advised that each system is unique to the facility.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER MACALUSO AND MAYOR GRAHAM VOTING NAY

ORDINANCES

INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

BE IT ORDAINED where Brian J. Drake, Project Engineer of GYMO, P.C., on behalf of Purcell Construction Corp., has made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to amend Planned Development District # 16 to allow two enriched living buildings and five two-unit dwellings and eliminate a previously

approved assisted living facility on Parcels Number 14-49-101, 14-49-101.005 and 14-49-101.101, and

WHEREAS the Planning Board of the City of Watertown considered the request at its meetings held on August 3, 2010 and September 7, 2010, and adopted a motion recommending that the City Council approve the amendment to the approved plan and allowed uses, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the amendment to Planned Development District #16, and

WHEREAS a public hearing was held on the proposed zone amendment on September 20, 2010, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone amendment according to the requirements of SEQRA,

NOW THEREFORE BE IT ORDAINED that the zoning for Planned Development District #16, Parcels Number 14-49-101, 14-49-101.005 and 14-49-101.101, is hereby amended to allow two enriched living buildings and five two-unit dwellings and eliminate a previously approved assisted living facility as shown on the Planned Development Plan submitted to the City Engineering Department on August 24, 2010, which in its entirety replaces all previous plans, and

BE IT FURTHER ORDAINED this amendment shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, SEPTEMBER 20, 2010 AT 7:30 P.M. MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

BE IT ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to delete the following:

§ 293-61. Schedule XIII: Parking Prohibited at All Times

Name of Street

Side

Location

Haley Street	South	From Washington Street to Myrtle Avenue
Ward Street	South	From Washington Street to Myrtle Avenue
Bishop Street	South	From Washington Street to Myrtle Avenue
Park Avenue	North	From Washington Street to Myrtle Avenue
Bowers Avenue	North	From Washington Street to Myrtle Avenue
and,		

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to add the following:

§ 293-61. Schedule XIII: Parking Prohibited at All Times

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Haley Street	South	From Washington Street to a point 200 feet east thereof
Bishop Street	South	From Washington Street to a point 140 feet east thereof
Bowers Avenue	South	From Washington Street to a point 450 feet east thereof
and,		

BE IT FURTHER ORDAINED that this amendment to the Code of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown or printed as the City Manager directs.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

**UNANIMOUS CONSENT MOVED BY MOTION OF COUNCIL MEMBER SMITH,
SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING
IN FAVOR THEREOF.**

Prior to the vote on the foregoing ordinance, Council Member Butler asked if there had been a lot of input on changing this back.

Mrs. Corriveau advised that she had received three or four calls from residents in the area.

Council Member Burns commented that she had been contacted by a couple of property owners that had called throughout the process and had been very understanding.

Council Member Smith remarked that he had calls from residents as well. He also commented that it was always the intent to change this back after the construction work was completed.

**THE ORDINANCE “APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY
JOHN AND AMY MACGREGOR TO CHANGE THE APPROVED ZONING
CLASSIFICATION OF 561-579 BURDICK STREET, PARCEL NUMBERS 1-04-114
THROUGH 1-04-120, FROM LIGHT INDUSTRY TO RESIDENCE B” WAS
PRESENTED TO COUNCIL** Introduced on August 16, 2010; public hearing held this evening; appears in its entirety on page 172 of the 2010 Minutes Book).

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING
ORDINANCE AND CARRIED WITH ALL VOTING YEA**

**THE ORDINANCE “ AMENDING ZONING ORDINANCE CHAPTER 310 OF THE
CODE OF THE CITY OF WATERTOWN PERTAINING TO BEER AND WINE
PRODUCTION” WAS PRESENTED TO COUNCIL** Introduced on August 16, 2010; public hearing held this evening; appears in its entirety on page 172 of the 2010 Minutes Book).

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING
ORDINANCE AND CARRIED WITH ALL VOTING YEA**

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Sales Tax Memo

Council reviewed the City Manager’s memo concerning the increase in sales tax revenues.

Noise Legislation

Council Member Butler thanked Attorney Slye for his work on the noise control issue. He remarked that he has received many responses in support of this. He commented that he would

like to use the level of reasonableness in terms of hours. He mentioned that there is even disturbance during the day in the downtown area and it is very inconvenient for residents to sleep at night when these vehicles blast the music. He also remarked that he supports the civil penalty for the offense as well.

Mayor Graham questioned what would happen if 200 motorcycles drove through the City as they were riding in as benefit event.

Attorney Slye remarked that reasonableness would include the question of time duration for the noise as well as the time of day.

Mayor Graham remarked that he didn't know how anyone could judge these kinds of transient noises.

Council Member Macaluso asked if there wasn't something about mufflers.

Council was advised that NYS V&T law 375-31 regulates that.

Council Member Macaluso commented that a lot of people have said that they want something done about the noise.

Council Member Smith remarked that he would want to be sure that using the reasonable standard wouldn't infringe upon people working on their properties. He commented that he didn't want someone caught up in this definition because of a neighbor dispute.

Attorney Slye advised that the reasonableness standard allows the City to use the written testimony of a complaining neighbor. He also commented that the state law could be enforced if the City had calibrators and certified individuals to use them.

Mayor Graham commented that anyone on Council could bring forward legislation for consideration.

Council Member Butler will review the information.

Parking & Restroom Concerns

Council Member Butler referred to an email from Bob Freeman which he received in August. (Not on file in the office of the City Clerk). Mr. Freeman had concerns about parking and restrooms for Marble Park visitors.

Mrs. Corriveau advised that the restrooms will be addressed by the work being done by DPW. The expanding of the lot was scaled back. However, curbing was put on Marble Street and signage will be placed to direct people.

Street Light in front of Key Bank

Council Member Butler asked about the status of this.

Mrs. Corriveau advised that National Grid is in the process of trying to pull a new line to that light. It should be completed by the end of September.

Stop Loss Coverage

Council Member Butler asked about the report on this.

Mrs. Corriveau advised that they are still pulling together the information and will have it for Council in the near future.

Email from Pat Donegan

Council Member Butler referred to an email he had received from Pat Donegan (not on file in the Office of the City Clerk). Mr. Donegan is considering placing the non-traditional windmills, as in the City of Rome, on the top of his hotel.

Mercy

Council Member Macaluso asked what was going on with Mercy and asked why the County wasn't stepping up.

Discussion was held on the history of the facility and the fact that it has been in receivership for many years. Mayor Graham advised that the County's proposal is at odds with what Mercy proposed and with what the Council would like to see. Mayor Graham and Mrs. Corriveau advised that they had spoken with Deputy Health Commissioner Kissinger about the City's concerns.

National Grid Agreement

Mrs. Corriveau advised that the second amendment to the National Grid agreement concerning the gross receipt tax had been received and staff will be reviewing it. The signing date has been postponed until the end of October.

JCIDA Letter

Mrs. Corriveau referred to the letter from the JCIDA (not on file in the Office of the City Clerk) concerning the uniform tax guidelines exemptions and the proposed language. Staff will be reviewing the information and will prepare a report for Council.

Mayor Graham commented that he believed that any change in the agreement would require ratification by the municipalities involved.

Dog Control Changes

Mrs. Corriveau referred to the letter she received from Jefferson County concerning the new changes to the dog licensing program. She explained that she, Mrs. Dutton and Attorney Burrows will be meeting next week to prepare the legislation for the changes. The letter indicated that the County would like to take over the licensing duties and therefore, keep all the monies collected from it. However, she advised that Mrs. Dutton has everything ready for the City to take over the licensing of the dogs beginning January 1, 2011.

Mrs. Dutton advised Council that the City has always kept their own listing of dog owners, as well as the state listing. She recommended leaving the licensing with the City and not turning it over to the County.

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO MOVE INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.

MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING YEA.

Council moved into Executive Session at 7:42 p.m.

Council reconvened at 9:08 p.m.

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE EMPLOYMENT HISTORY OF PARTICULAR INDIVIDUALS.

MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING YEA.

Council moved into Executive Session at 10:20 p.m.

Council reconvened at 10:40 p.m.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 10:40 P.M. BY MOTION OF COUNCIL MEMBER BURNS, SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk

